

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 04/14/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 01/22/2003.

TITLE: Coastal and Estuarine Land Conservation, Planning, Protection, or Restoration

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0459

EXPIRATION DATE: 04/30/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	84	1,520	1
New	84	1,520	1
Difference	0	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
COASTAL AND ESTUARINE LAND CONSERVATION,
PLANNING, PROTECTION, OR RESTORATION
OMB CONTROL NUMBER 0648-0459**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Congress directed the Secretary of Commerce to establish a Coastal and Estuarine Land Conservation Program (CELCP) “for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses,” giving priority to lands which can be effectively managed and protected and which have significant ecological value. Congress further directed the Secretary to issue guidelines for this program, by September 30, 2002, delineating the criteria for grant awards and to distribute funds in consultation with the States' Coastal Zone Managers' or Governors' designated representatives based on demonstrated need and ability to successfully leverage funds. The Office of Ocean and Coastal Resource Management (OCRM), within NOAA's National Ocean Service, is drafting guidelines that would establish procedures for eligible applicants who choose to participate in this voluntary program to use when developing state conservation plans under this program; proposing or soliciting projects under this program; applying for funds; and carrying out projects. The authority for this program is codified at 16 U.S.C. 1456d.

In addition to the CELCP, NOAA also has, or is given, authority under the Coastal Zone Management Act, annual appropriations or other authorities, to issue funds to coastal states and localities for planning, conservation, acquisition, protection, restoration, or construction projects. It is necessary to collect information beyond that outlined in OMB Circular 102 in order to plan for and implement these projects. This information is needed to comply with applicable federal statutes, regulations and policies, including the National Environmental Policy Act, Endangered Species Act, Magnuson-Stevens Fisheries Conservation Act, Coastal Barriers Resources Act, National Flood Insurance Program, National Historic Preservation Act, and Americans with Disabilities Act, among others. It is also needed to comply with requirements contained in OMB standards or other applicable laws, regulations or policies governing federal financial assistance related to construction, acquisition, restoration, enhancement, protection, and if necessary, disposition of property, and as well as those relating to financial assistance awards to state or local government agencies or entities, non-governmental or private organizations, or others.

A. Conservation Planning

In order to qualify to receive funds under this program, a coastal state must develop and submit to NOAA for approval, a Coastal and Estuarine Land Conservation Plan that provides an assessment of priority conservation needs and clear guidance for nominating and selecting land conservation projects within the state. Plans are intended to be fairly simple and concise, and

may make use of work that has already been done in the state or region, such as regional or state watershed protection plans. State plans would include the following information:

- A description of the geographic scope of the program within the state, and the types of lands or values to be protected through the program;
- Descriptions and maps of “project areas” that identify the state’s priority areas for conservation, including areas threatened by conversion, based on state and national criteria (listed below) for the program;
- A prioritization, based on state criteria, of project areas or types of lands included within the state plan;
- A description of existing plans, or elements thereof, that are incorporated into this plan;
- A list of state or local agencies, or type of agencies, that are eligible to hold title to property acquired through the program;
- A description of public involvement and interagency coordination that occurred during the development of the plan; and
- A description of the state’s process for reviewing and ranking proposals for nomination to the national selection process. The vetting process should, at a minimum, involve representatives from the state’s coastal zone management program, National Estuarine Research Reserves (NERRs), and any other agencies or entities that the state considers appropriate for identifying projects that meet the state’s priorities for coastal and estuarine land conservation.

B. Application for Federal Funding – Project Application Checklist (see attached)

OCRM will use the Checklist to review land acquisition, conservation or other similar projects proposed by eligible states and local governments. The information will be collected once, when the states and local governments submit projects for review and approval by NOAA. There are three main elements of the Checklist:

1. Applicant and Project Information: project title, applicant point of contact, general location, and project description, characteristics and values of the property, and other supporting information needed to support the project’s eligibility or merit (described below).
2. Eligibility of Project: the Checklist contains a list of criteria for projects under the CELCP, and the applicant is asked to check all that apply. This information will help ensure that proposed projects are consistent with the purposes of the CELCP.
3. Compliance with Other Federal Authorities: several statutes, including but not limited to, the National Environmental Policy Act and the Endangered Species Act, put requirements on the actions of federal agencies and the use of federal funds. This section of the checklist asks the applicant to answer several questions about the proposed project to assist NOAA in determining whether funding the project would trigger our responsibilities under relevant federal statutes.

Applications submitted for federal financial assistance would contain the following information. Some of the information to be collected is already covered under OMB Circular A-102.

1. Project Description. A statement of work that describes:

- The nature of the project, including acreage and types of habitats or land values to be protected, as well as how the funds (federal and non-federal) will be used;
- How the proposed project meets the state and national criteria and its expected benefits in terms of coastal and estuarine land conservation;
- Discrete benchmarks for completing the project within a specified time period.
- The project's budget, including a breakdown of the following costs, as applicable, by category -- salary, fringe benefits, travel, equipment, supplies, contractual, construction, other. (primarily using Standard Form 424A)
- The types of activities that would be allowed to take place on the land and a strategy for long-term stewardship, such as maintenance or enforcement against illegal uses.
- Whether this project has been submitted in application for other sources of federal funding, and if so, which federal program(s) and year(s).

2. Project Location. A map of the state or coastal county showing the general location of the project, and a map of the project site, which shows the location and extent of the proposed acquisition, as well as relationship to significant natural features (slope, wetlands, dunes, floodplains, access points, etc.).

3. A completed project checklist (See attached), along with any supporting information, to support the project's eligibility or merit, justify the proposed cost of the project, or document compliance with Federal laws, regulations and policies.

4. Documentation of a landowner's intent or willingness to sell, which may be in the form of a letter of intent, option letter, contract, or similar form.

Note: The project checklist submitted here for OMB approval under the Paperwork Reduction Act is a modified version of the project checklist that is already approved for section 306A of the CZMA under OMB Control # 0648-0119, which expires 11/30/2004. This request covers the checklist itself and any documents or supporting materials described in the checklist. This proposed information collection will enable NOAA to implement the CELCP, under its current or future authorization, and facilitate the review of similar projects under other authorities.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If NOAA's Information Quality Guidelines apply, state this and confirm that the collection complies with the Guidelines.

Applications for financial assistance would be collected once per year, subject to availability of funding through the appropriations process. Planning projects would normally be one-time

collections of information but may be updated periodically, for example, once every five years. The information would be used to evaluate the merit of project applications, ensure compliance with applicable OMB Standards or other federal statutes, regulations or policies governing issues related to construction, acquisition, restoration, protection, and if necessary, disposition of property, and as well as those relating to financial assistance awards to state or local government agencies or entities, non-governmental or private organizations, or others. NOAA's Information Quality Guidelines do not apply.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

NOAA encourages states to submit information in electronic format whenever possible, via disk or electronic mail, and supported by paper originals or copies as needed for proof of signature or approval. NOAA has developed an internet-based Grant Application and Reporting System as part of its Coastal and Marine Management Program (CAMMP) information system, and is working with coastal states to encourage their use of this system for certain grant applications under the CZMA and, in the future, for performance reporting. The system is not set up at this time to report projects other than CZMA grants to states and Reserves, but may in the future be able to accommodate other financial assistance applications.

4. Describe efforts to identify duplication.

NOAA is the only agency charged with administering this program and issuing these funds. The type of information to be collected is very similar in nature to information already collected under the Coastal Zone Management Act, particularly the planning elements of section 305, and the land acquisition and construction projects under section 306A, and approved by OMB Control # 0648-0119, which expires 11/30/2004. Through this application, NOAA seeks to avoid duplication by meeting the information collection needs for the Coastal and Estuarine Land Conservation Program, and also enabling the agency to use the attached project checklist, or portions thereof, as needed, to implement similar projects assigned to the agency under other authorities given by Congress.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This collection does not involve small businesses and is not likely to involve other small entities. Eligible entities may include state, local, regional or inter-state government agencies or entities, or non-governmental organizations, which in most cases would not qualify as small entities. Through the Coastal and Estuarine Land Conservation Program, a coastal state may solicit projects from qualified local governments, each of whom would participate on a voluntary basis. The program includes a "pre-application" process that would minimize the information collection burden and potential costs incurred by the applicant. For projects that are selected, for which additional information is needed, applicants would be asked to submit standard grant application forms, which are exempt from PRA, and would be eligible to request reimbursement

of advance costs incurred in the preparation of the project or grant application. NOAA is also able to offer guidance or assistance in completing the application process.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The agency would not be able to implement the program or projects effectively or at all if the collection was conducted less frequently. The information collection would correspond with Congressional or other requirements for: establishment of a program (normally one-time), issuance of financial assistance awards (normally issued once for each appropriations cycle), and performance reporting (semi-annual or annual reporting is standard).

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not applicable.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice (copy attached) was published to solicit public comment. None was received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The information provided to NOAA is a matter of public record.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

The number of projects and applicants may vary in any given year upon the amount of appropriations and the proposed cost of individual projects. Because the number of states participating in this voluntary program may vary, particularly in the early stages of this program, the calculation has been based on the maximum number of eligible states, which is 34.

The total one-time burden for the respondents is estimated to be **1,020 hours**.

34 respondents x 30 hours/respondent (one-time) = 1,020 hrs
(development of CELCP plans)

The total annual burden for the respondents is estimated to be **500 hours**, based on the following assumptions.

50 respondents (est.) x 10 hours/respondent/year = 500 hrs
(project application and checklist)

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

To copy and mail documents, the recipient's cost is estimated at \$505.00, as follows:

\$5.00 per project (5 copies each, max 20 pages, \$0.05/page), and \$7.50 per plan (3 copies each, max. 50 pages, \$0.05/page)

14. Provide estimates of annualized cost to the Federal government.

The cost in staff time for NOAA to review project checklists is estimated as 0.5 hours each at \$40/hour, for a total annual cost of approximately \$1,000, based on 25 hours.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

No changes are requested.

16. For collections whose results will be published, outline the plans for tabulation and publication.

NOAA may summarize information contained within the information collection in order to provide internal assessments of program performance or resource allocation, progress reports, or accomplishments, or information required by the Congress or agencies of the federal government outside of NOAA for oversight.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

Project Application Checklist

The project applicant must complete and sign this Project Checklist and submit it to the National Oceanic and Atmospheric Administration, along with the other required application materials, in order to receive approval of a project.

Applicant and Project Information

1. State: _____ Award Number: [provided by NOAA]
2. Project Title: _____
3. Project Location (Approximate): (City, County, Major Intersections) Congressional District ____
4. Project Proponent/Applicant (Must be a public entity at the state or local level): _____
5. Total Cost: \$ _____ CELCP Federal share (requested amt): \$ _____
CELCP State/Local Match Contributions: \$ _____
Other Federal \$ _____
Other Non-Federal \$ _____

I ATTEST TO THE FOLLOWING: (1) THE STATEMENTS MADE AND OTHER INFORMATION PROVIDED IN THIS CHECKLIST ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE; (2) THE RECIPIENT HAS ON FILE THE DOCUMENTS IDENTIFIED IN THIS CHECKLIST; AND (3) I UNDERSTAND THE CONSEQUENCES OF NON-COMPLIANCE WITH THE SPECIAL AWARD CONDITIONS THAT WILL BE PLACED ON THIS GRANT.

Signature of Applicant

Date

Name of Signatory (please print or type): _____ -

Title:

Address:

Phone Number:

6. Project Description: (briefly describe the nature of the project, location, expected benefits, role of partnerships in the project other information required in section 5.2 of the guidance, and any explain special circumstances noted elsewhere on the checklist)

7. Land Acquisition

For land acquisition projects,

what are the legal rights that will be acquired? _____ Fee title _____ Easement _____ other
(please explain)

If an easement, what is the life of the document? _____ in perpetuity _____ duration
(please specify, e.g. in years)

what public agency or entity will hold title to the land?

is a long-term stewardship or management strategy attached that describes the proposed method for ensuring long-term operations, maintenance and safety needs related to the property?

_____ Yes _____ No

Has a dedicated source of funding or staff for long-term conservation been identified?

_____ Yes _____ No If yes, what is the source? _____

what type of activities/uses are envisioned on the property? _____

will the recipient contract with a private or non-profit organization to complete part or all of this project. _____ Yes _____ No

If Yes, the name of the organization is: _____

8. What is the acreage of the proposed project or property to be acquired (via fee title or easement)?

9. What values are contained within the proposed project or property to be acquired?

Ecological – what type of habitats (e.g. upland forest, scrub/shrub, fields), species, or other features of significant ecological value are contained on the property, e.g. species of concern, vegetative riparian buffers, etc. (include acreage where appropriate)

Historical – what historical features of significant value are contained on the property?

Aesthetic – what is the aesthetic value of the property? what significant contribution does this property make to the aesthetic character of the surrounding area?

Recreational – what is the property's significance or contribution with regard to coast-dependent or nature-based recreation?

Conservation corridors – how does this property help establish corridors and/or linkages among areas of significant conservation, ecological, recreational or aesthetic values that are already protected? e.g. natural/undeveloped areas or protected/preserved areas?

10. Public Benefit:

a. The acquisition will be publicly held or under publicly-controlled easement and is for public benefit. The project does not improve private property for private or commercial gain. ____
Yes ____ No

b. The property will be accessible to the general public. ____ Yes ____ No

c. If the answer to 6.b. is No, check any of the following reasons that apply and explain why access to the property will be limited.

____ Public Safety ____ Resource Protection ____ Geographically Isolated/Inaccessible

____ School Outings ____ Scientific Research ____ Other (Please explain.) _____

d. The property will be leased or rented. ____ Yes ____ No If yes, please explain.

e. The public will be charged a user fee for access to or activities on the proposed property.
____ Yes ____ No

If Yes, please attach a description of the user fee which includes: how much, differential fees (if any), the need for the fees, and proposed use of the revenue.

11. Title Opinion and Appraisal:

a. A title opinion or certificate is attached. ____ Yes ____ No

b. The site is currently owned by ____ individual ____ corporation ____ public

c. Documentation of the current owner's intent or willingness to sell at a mutually agreeable price is attached. (This documentation may be in the form of a letter of intent, option letter, contract, or similar form.) ____ Yes ____ No

d. The applicant has obtained and attached an independent appraisal.
____ Yes ____ No

If No, the applicant has attached a good-faith estimate and justification of the cost for the project based on market value or agreement with the willing seller. ____ Yes ____ No *(Note: An appraisal will be required at the time the applicant submits a formal grant application to NOAA for projects that have been selected for funding. If the appraised value is higher than the estimated cost, the applicant will be required to make up the difference in cost.)*

12. Site Location Map: Site location maps are attached. ____ Yes ____ No

Attach a map of the state or coastal county showing the general location of the project, and a map of the project site, which shows the location and extent of the proposed acquisition, as well as relationship to significant natural features (slope, wetlands, dunes, floodplains, access, etc.).

13. Public Coordination

Has the project for which you propose to use CELCP funds been subject to public scrutiny and coordination through a public notice or other public review process? ____ Yes ____ No

If "yes", please describe the results of that process and note when the coordination occurred.

If "no", please explain.

14. Has the proposed project been submitted to or is it currently under consideration by other programs for funding?

____ Yes ____ No

If yes, which program(s) and which years(s).

15. Other ranking and selection considerations.

- a. Partners in conservation: What are the sources and amounts of financial support being provided by partners?

Name of partner	Monetary value of support

- b. Is the habitat imminently threatened? ____ Yes ____ No

What are the threat(s), the severity of the potential impact(s), and/or the anticipated timeframe for the threat or conversion of land?

- c. Are there new sources of funds, lands, or services being applied to this project? (as opposed to lands already owned by the State or third party that are being offered as match).

____ Yes ____ No If yes, what percentage is new? _____

Eligibility of Project

16. Project Eligibility: (Check all that apply)

The proposed project:

- _____ is located in a coastal or estuarine area that has been designated as part of a state's approved coastal and estuarine land conservation (CELC) plan;
- _____ matches federal funds with non-federal funds at a ratio of at least 1:1;
- _____ will be held in public ownership and provide conservation in perpetuity;
- _____ will provide for access to the general public, or other public benefit, as appropriate and consistent with resource protection.
- _____ protects important coastal and estuarine areas that have significant conservation, ecological, historical, aesthetic, or recreation values, or that are threatened by conversion from their natural or recreational state to other uses;
- _____ can be effectively managed and protected;
- _____ establishes or helps establish conservation corridors and/or linkages among areas of significant conservation, ecological, historical, aesthetic, or recreation values that are already protected;
- _____ directly advances the goals, objectives or implementation of state coastal management plan or program, NERR management plans approved under the CZMA, national objectives of the CZMA, or a regional or state watershed protection plan involving coastal states with approved coastal management plans
- _____ is consistent with the state's approved coastal management program.

Compliance with Other Federal Authorities

17. State Historic Preservation Officer's (SHPO's) Clearance and National Historic Preservation Act:

a. The project will affect properties listed on the National Register of Historic Places (www.cr.nps.gov/nr/), eligible to be listed, or otherwise protected by section 106 of the National Historic Preservation Act (www2.cr.nps.gov/laws/NHPA1966.htm) or a similar State Preservation Act. ☐ Yes ☐ No

b. The Recipient has on file the SHPO's clearance. ☐ Yes ☐ No (If No, the Recipient certifies, by signing this checklist, that the SHPO clearance is being sought and that work will not begin and land will not be purchased until SHPO clearance is received by the Recipient.)

18. National Flood Insurance Program:

a. Is the project located in a designated floodway or "V" zone on a National Flood Insurance Program Floodway Map (www.fema.gov/maps/)? ☐ Yes ☐ No
(If No, go to 11)

b. Is the community in which the project is located in special flood hazard areas shown on an FIA map is participating in the Flood Insurance Program (www.fema.gov/nfip). ☐ Yes ☐ No

19. Coastal Barriers Resource Act: The project is located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act (www.fws.gov/cep/cbrunits.html).
☐ Yes ☐ No

If the answer to 11. is Yes, attach to this checklist a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

20. Endangered Species Act: May the proposed project adversely affect threatened or endangered species or critical habitat under the jurisdiction of the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) as defined by the Endangered Species Act? (endangered.fws.gov/) or (www.nmfs.noaa.gov/endangered.htm).
☐ Yes ☐ No

If the answer to 12. is Yes, attach a description of the adverse effects (minor and significant effects), the species or habitat affected, and any coordination between the state and the USFWS or NMFS. CPD will not approve a project that USFWS or NMFS has determined will significantly affect threatened or endangered species or critical habitat.

21. Magnuson-Stevens Fishery Conservation and Management Act.

Could the proposed project have significant adverse impacts on essential fish habitat for federally managed fish? ☐ Yes ☐ No

22. National Environmental Policy Act:

- a. The proposed project may significantly affect the human environment.
_____ Yes _____ No
- b. The proposed project involves unresolved conflicts concerning alternative uses of available resources.
_____ Yes _____ No
- c. This action would have significant adverse effects on public health and safety.
_____ Yes _____ No
- d. This action will have highly controversial environmental effects. _____ Yes _____ No
- e. This action will have highly uncertain environmental effects or involve unique or unknown environmental impacts. _____ Yes _____ No
- f. The project will have significant adverse impacts on other natural resources not covered elsewhere in this checklist, e.g., beaches and dunes, wetlands, estuarine areas, wildlife habitat, wild or scenic rivers, reefs, or other coastal resources. _____ Yes _____ No
- g. The project will have insignificant effects when performed separately, but will have significant cumulative effects. _____ Yes _____ No

If the answer to any one subpart of 13. is Yes, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. For items answered Yes, please attach a description of the resource(s) affected and the nature and scope of the effects.

23. Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. If the proposed project involves the acquisition and/or modernization of real property, will the proposed project cause the displacement of:

persons, _____ Yes _____ No
businesses, or _____ Yes _____ No
farm operations? _____ Yes _____ No

If yes to any of the above, please explain: the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.

24. Handicapped accessibility: Will the proposed project be handicapped accessible?
_____ Yes _____ No _____ N/A

If No, attach to this checklist an explanation as to how the project meets ADA handicapped accessibility requirements.

25. Environmental Justice. Will the project have disproportionately high and adverse human health or environmental effects on minority or low-income populations? ____ Yes ____ No

26. State, Local and Tribal Laws. The project is consistent with state, local and tribal laws to protect the environment. ____ Yes ____ No

27. Required permits: Please list local, state, tribal or federal permits required for this project and the status of the permits. If the permits have not been obtained, then the Recipient certifies, by signing this checklist, that the Recipient (or other public entity) is seeking the required local, state and federal permits and that work will not begin and land will not be purchased until the permits have been issued and received by the Recipient.

NOAA is requesting this information in order to adequately assess the eligibility of proposed projects. Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Elaine Vaudreuil, OCRM, 1305 East-West Hwy (N/ORM), Silver Spring, Maryland 20910. This reporting is authorized under P.L. 107-77. Information submitted will be treated as public record. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.



-CITE-

16 USC Sec. 1456

01/02/01

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 33 - COASTAL ZONE MANAGEMENT

–HEAD–

Sec. 1456. Coordination and cooperation

-STATUTE-

(a) Federal agencies

In carrying out his functions and responsibilities under this chapter, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) Adequate consideration of views of Federal agencies

The Secretary shall not approve the management program submitted by a state pursuant to section 1455 of this title unless the views of Federal agencies principally affected by such program have been adequately considered.

(c) Consistency of Federal activities with State management programs; Presidential exemption; certification

(1)(A) Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs. A Federal agency activity shall be subject to this paragraph unless it is subject to paragraph (2) or (3).

(B) After any final judgment, decree, or order of any Federal court that is appealable under section 1291 or 1292 of title 28, or under any other applicable provision of Federal law, that a specific Federal agency activity is not in compliance with subparagraph (A), and certification by the Secretary that mediation under subsection (h) of this section is not likely to result in such compliance, the President may, upon written request from the Secretary, exempt from compliance those elements of the Federal agency activity that are found by the Federal court to be inconsistent with an approved State program, if the President determines that the activity is in the paramount interest of the United States. No such exemption shall be granted on the basis of a lack of appropriations unless the President has specifically requested such appropriations as part of the budgetary process, and the Congress has failed to make available the requested appropriations.

(C) Each Federal agency carrying out an activity subject to

paragraph (1) shall provide a consistency determination to the relevant State agency designated under section 1455(d)(6) of this title at the earliest practicable time, but in no case later than 90 days before final approval of the Federal activity unless both the Federal agency and the State agency agree to a different schedule.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with the enforceable policies of approved state management programs.

(3)(A) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity, in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its

designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this chapter or is otherwise necessary in the interest of national security.

(B) After the management program of any coastal state has been approved by the Secretary under section 1455 of this title, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land or water use or natural resource of the coastal zone of such state, attach to such plan a

(ii) concurrence by such state with such certification is conclusively presumed as provided for in subparagraph (A), except if such state fails to concur with or object to such certification within three months after receipt of its copy of such certification and supporting information, such state shall provide the Secretary, the appropriate federal agency, and such person with a written statement describing the status of review and the basis for further delay in issuing a final decision, and if such statement is not so provided, concurrence by such state with such certification shall be conclusively presumed; or

(iii) the Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is

consistent with the objectives of this chapter or is otherwise necessary in the interest of national security.

If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months.

(d) Application of local governments for Federal assistance;

relationship of activities with approved management programs

State and local governments submitting applications for Federal assistance under other Federal programs, in or outside of the coastal zone, affecting any land or water use of natural resource of the coastal zone shall indicate the views of the appropriate

state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of section 6506 of title 31. Federal agencies shall not approve proposed projects that are inconsistent with the enforceable policies of a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this chapter or necessary in the interest of national security.

(e) Construction with other laws

Nothing in this chapter shall be construed -

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed

Notwithstanding any other provision of this chapter, nothing in this chapter shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), or the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this chapter and shall be the water pollution control and air pollution control requirements applicable to such program.

(g) Concurrence with programs which affect inland areas

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(h) Mediation of disagreements

In case of serious disagreement between any Federal agency and a coastal state -

(1) in the development or the initial implementation of a management program under section 1454 of this title; or

(2) in the administration of a management program approved under section 1455 of this title;

the Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in such disagreement. The process of such mediation shall, with respect to any disagreement described in paragraph (2), include public hearings which shall be conducted in the local area concerned.

(i) Application fee for appeals

(1) With respect to appeals under subsections (c)(3) and (d) of this section which are submitted after November 5, 1990, the Secretary shall collect an application fee of not less than \$200 for minor appeals and not less than \$500 for major appeals, unless the Secretary, upon consideration of an applicant's request for a fee waiver, determines that the applicant is unable to pay the fee.

(2)(A) The Secretary shall collect such other fees as are necessary to recover the full costs of administering and processing such appeals under subsection (c) of this section.

(B) If the Secretary waives the application fee under paragraph (1) for an applicant, the Secretary shall waive all other fees under this subsection for the applicant.

(3) Fees collected under this subsection shall be deposited into the Coastal Zone Management Fund established under section 1456a of this title.

-SOURCE-

(Pub. L. 89-454, title III, Sec. 307, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1285; amended Pub. L. 94-370, Sec. 6, July 26, 1976, 90 Stat. 1018; Pub. L. 95-372, title V, Sec. 504, Sept. 18, 1978, 92 Stat. 693; Pub. L. 101-508, title VI, Sec. 6208, Nov. 5, 1990, 104 Stat. 1388-307; Pub. L. 102-587, title II, Sec. 2205(b)(13), (14), Nov. 4, 1992, 106 Stat. 5051.)

-REFTEXT-

REFERENCES IN TEXT

The Outer Continental Shelf Lands Act, referred to in subsec. (c)(3)(B), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, as amended, which is classified generally to subchapter III (Sec. 1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (f), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, Sec. 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (Sec. 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to

Subsec. (c)(2). Pub. L. 101-508, Sec. 6208(b)(1), which directed the insertion of ''the enforceable policies of'' before ''approved State management programs'', was executed by making the insertion before ''approved state management programs'' to reflect the probable intent of Congress.

Subsec. (c)(3)(B). Pub. L. 101-508, Sec. 6208(b)(3)(A), substituted "'land or water use or natural resource of'" for "'land use or water use in'" in first sentence.

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102-587, Sec. 2205(b)(13), inserted 'the enforceable policies of'
after 'such plan complies with' in first sentence.

Subsec. (d). Pub. L. 101-508, Sec. 6208(b)(4), substituted '', in or outside of the coastal zone, affecting any land or water use of natural resource of'' for ''affecting'' and inserted ''the enforceable policies of'' after ''that are inconsistent with''.

Subsec. (i). Pub. L. 101-508, Sec. 6208(c), added subsec. (i).

1978 - Subsec. (c)(3)(B)(ii). Pub. L. 95-372 inserted '', except if such state fails to concur with or object to such certification within three months after receipt of its copy of such certification and supporting information, such state shall provide the Secretary, the appropriate federal agency, and such person with a written statement describing the status of review and the basis for further delay in issuing a final decision, and if such statement is not so provided, concurrence by such state with such certification shall be conclusively presumed'' after ''as provided for in subparagraph (A)''.

1976 - Subsec. (b). Pub. L. 94-370, Sec. 6(2), struck out provisions requiring that in case of serious disagreement between Federal agency and state in development of program, Secretary shall seek to mediate the differences in cooperation with the Executive Office of the President and incorporated such provision into subsec. (h).

Subsec. (c)(3). Pub. L. 94-370, Sec. 6(3), designated existing provisions as subpar. (A) and added subpar. (B).

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 102402C]

Proposed Information Collection; Comment Request; Coastal and Estuarine Land Conservation, Planning, Protection, or Restoration**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).**ACTION:** Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before December 30, 2002.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Elaine Vaudreuil, N/ORM Room 10541, 1305 East-West Highway, Silver Spring MD 20910-3281 (301-713-3155, ext. 103).

SUPPLEMENTARY INFORMATION:**I. Abstract**

The FY 2002 Commerce, Justice, State Appropriations Act directed the Secretary of Commerce to establish a Coastal and Estuarine Land Conservation Program (CELCP) to protect important areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion, and to issue guidelines for this program delineating the criteria for grant awards. The guidelines establish procedures for eligible applicants who choose to participate in the program to use when developing state conservation plans, proposing or soliciting projects under this program, applying for funds, and carrying out projects under this program in a manner that is consistent with the purposes of the program. NOAA also has, or is given, authority under the Coastal Zone Management

Act, annual appropriations or other authorities, to issue funds to coastal states and localities for planning, conservation, acquisition, protection, restoration, or construction projects. This information collection enables NOAA to implement the CELCP, under its current or future authorization, and facilitate the review of similar projects under different, but related authorities.

II. Method of Collection

The Project Application Checklist is a form. The other information is submitted in accordance with guidance. The information can be submitted in electronic or paper format.

III. Data*OMB Number:* 0648-0459.*Form Number:* None.*Type of Review:* Regular submission.*Affected Public:* State, Local, or Tribal Government; not-for-profit institutions.*Estimated Number of Respondents:* 50.*Estimated Time Per Response:* 30 hours for a CELCP plan; and 10 hours for a project application and checklist.*Estimated Total Annual Burden Hours:* 1,520.*Estimated Total Annual Cost to Public:* \$505.**IV. Request for Comments**

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 9, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02-27561 Filed 10-29-02; 8:45 am]

BILLING CODE 3510-08-S**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 102402E]

Proposed Information Collection; Comment Request; Alaska Individual Fishing Quota Cost Recovery Program Requirements**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).**ACTION:** Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before December 30, 2002.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, NMFS Alaska Region, 907-586-7228 or e-mail at patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The Magnuson-Stevens Fishery Conservation and Management Act requires that the Secretary of Commerce implement a Cost Recovery Program to cover the management and enforcement costs of the Alaska Individual Fishing Quota (IFQ) Program. This Cost Recovery Program requires IFQ permit holders and registered buyers to submit information about the value of landings of IFQ species and for the permit holders to calculate and submit fees.

II. Method of Collection

Forms are used except for appeals, which involve the submission of evidence/documentation.

III. Data*OMB Number:* 0648-0398.*Form Number:* None.*Type of Review:* Regular submission.*Affected Public:* Business or other for-profit organizations, individuals or